

**STAFF REPORT: Planning & Building Services Department**



**REPORT TO:** Planning & Building Committee  
**MEETING DATE:** January 16, 2012  
**REPORT NO.:** PL.12.11  
**SUBJECT:** 108 George Street – Planning Application Fees Consideration  
**PREPARED BY:** David Finbow, Director, Planning & Building Services

**A. Recommendations**

**THAT** Council receive Staff Report PL.12.11 respecting 108 George Street – Planning Application Fee Consideration.

**B. Background**

Council at its meeting of December 12, 2011 considered correspondence from Michael Pocock with respect to 108 George Street and the requisite planning processing fees associated with a possible application to rezone the lands from the General Industrial (M2) Zone to the General Commercial (C1) Zone and referred said correspondence to the Planning & Building Services Department with a request for a report on the request.

The nature/extent of planning approvals required to implement Mr. Pocock's proposal entails a Zoning By-law Amendment and Site Plan Approval. It is noted that an Official Plan Amendment is not required as the lands are currently designated Village Commercial with such land use designation being generally supportive of Mr. Pocock's proposal for the lands.

**Town of The Blue Mountains Planning & Engineering Fees By-law**

By-law No. 2010-35, as amended, being the Town's Fees By-law for Planning & Engineering Services, defines the subject proposal as "Small Scale" as the proposal entails 10 or less dwelling units and less than 1,000 square metres of non-residential floor area.

Given the forgoing, the Fees By-law would require the following fees for the subject proposal:

<b>Zoning By-law Amendment Fees</b>			
Type	Planning	Engineering	Security
Fee	\$3,100.00	\$500.00	\$2,500 (Note 1)
<b>Site Plan Approval Fees</b>			
Type	Planning	Engineering	Security
Fee	\$3,100	\$2,000.00	\$0 (Note 2)
<b>Agreement Preparation Fee</b>			
Type	Planning	Engineering	Security
Fee	\$3,100.00	N/A	N/A
<b>Total</b>	<b>\$9,300.00</b>	<b>\$2,500.00</b>	<b>\$2,500</b>

Notes:

- (1) "Security" is a security deposit that would be utilized for specialized services with same unlikely being required in this instance.
- (2) Only one security is collected where more than one application is submitted.

It is noted that additional fees including, but not limited to, Building Permit Fees and Development Charges, would also apply to implement Mr. Pocock's proposal.

With respect to the Fees By-law, it is noted that it is predicated on the basis of full cost recovery of services, including overhead. It is also noted that the By-law anticipates instances where the services required/provided may not align with the identified fees and therefore contains the following provision:

The Director, Planning & Building Services may assign fees other than noted provided s/he has regard to the services and related costs provided by the Town of The Blue Mountains.

### **Mr. Pocock's Proposal**

Mr. Pocock has suggested the following with respect to the requisite fees:

1. A deferment of fees for payment over a longer term,
2. A reduction of fees that would allow me to continue investing in public programme development and infrastructure,
3. A donation of indoor/outdoor sculpture to the Town, in partial payment of fees,
4. The use of my facility and resources for cooperative outdoor-educational, recreational and cultural programming for residents and visitors by the Town of Blue Mountains.

Although Mr. Pocock's proposal may be supportable from a social and/or economic development perspective and therefore have merit, the Town's Fees By-law does not anticipate the types of arrangements proposed

### **Application of the Fees By-law – Mr. Pocock's Proposal**

As noted previously, the Director, Planning & Building Services may assign fees other than noted having regard to the services and related costs provided by the Town. In this regard, Planning Services staff have determined that a reduction in Planning Fees in the amount of \$1,550.00 can be justified given the relative simplicity of the application, minimal site works proposed, and the concurrent processing of the applications. However, Planning Services staff have determined a reduction in the Agreement Preparation Fee cannot be justified given the legal costs associated with the preparation of the Agreement and eventual registration by the Applicant of the Agreement. Furthermore, Planning Services staff are satisfied in this instance that the noted security would not be required to be provided at the time of application given the relative simplicity of the applications. Planning Services staff cannot speak to Engineering Fees however Planning Services staff have not experienced instances where fee reductions for engineering services have been seen to be supportable by Engineering & Public Works.

Given the forgoing, and without further consideration by Council, Planning Services staff advise that the fees associated with these applications would be:

108 George Street				
Zoning By-law Amendment, Site Plan Approval & Agreement Preparation Fees				
Planning	Engineering	Agreement Preparation	Security	Total
\$4,650.00	\$2,500.00	\$3,100.00	\$0.00	\$10,250.00

Notwithstanding the foregoing, Council may determine to assign fees other than as set out in the Fees By-law in accordance with Section 69 of the *Planning Act*.

#### **Tariff of fees**

69.(1)The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.

#### **Reduction or waiver of fees**

(2)Despite a tariff of fees established under subsection (1), *the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.* (emphasis added)

With respect to Mr. Pocock's proposal, should Council determine that there is merit in one or all of the options presented, it is recommended that same be referred to Staff for a report related to implementation.

#### **C. The Blue Mountains' Strategic Plan**

*"Providing a strong, well managed municipal government."*

**D. Environmental Impacts**

N/A

**E. Financial Impact**

To be determined.

**F. In Consultation With**

None

**G. Attached**

1. Letter dated December 6, 2011 from Michael Pocock

Respectfully submitted,

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David Finbow  
Director, Planning & Building Services

**For more information, please contact:**  
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DEC 06 2011

Michael Pocock  
108 George Street  
Clarksburg, ON  
519 599-1066

December 6, 2011  
michael.pocock@ironworksandmore.com

To the Council,

I am the owner of a business in Clarksburg named The Ironworks, and of the property at 108 George Street. This letter addresses issues relating to the growth and diversification of my business, and the subsequent application for a zoning change.

With my application for a zoning change from M2 to C1, submitted January 2011, I was assessed with \$12,000 in application fees. Since I am unable to pay this sum at one time, I am seeking consultation from the council on how I could continue to develop my vision and business in the Town of Blue Mountains, while addressing the issue of re-zoning the property for compliance. Therefore, I respectfully ask the council to consider:

1. A deferment of fees for payment over a longer term,
2. A reduction of fees that would allow me to continue investing in public programme development and infrastructure,
3. A donation of indoor/outdoor sculpture to the Town, in partial payment of fees,
4. The use of my facility and resources for cooperative outdoor-educational, recreational and cultural programming for residents and visitors by the Town of Blue Mountains.

My vision has always been to create a place that will enhance the character and amenities of the community I live in, and to provide people who live in and visit the area with programmes and activities they wish to experience and participate in.

With an Honours Degree in Outdoor Recreation from Lakehead and a Degree in Education from the University of Toronto, I wish to develop and supplement educational and experiential youth and adult programmes in this region, through my facility in Clarksburg. During the past decade, I have made attempts to explore the property's potential as a gathering spot for community related activities in the areas of the Arts, Culture, and Recreation. Some of the trial activities have included: Art Shows, Women's beginner-level metal workshops, Music workshops and performances, Meetings: private groups, A.G.M.'s, special interest groups, Theatre practice, Fashion Shows, Poetry and Story Telling.

I hope that my intent to develop opportunities and infrastructure within the Village Core of Clarksburg and in the Town of The Blue Mountains will be seen as valid, important for long-term sustainability to the region and worthy of your consideration on how to help me continue to contribute to this community.

Thank you for your time.

Sincerely,

  
Michael Pocock

CC: Planning  
- Public Art Evaluation  
Committee  
- Event & Youth Coord.